

Federal Courts: Balancing Liberty and Safety
Courthouse Program
Agenda

9:00 a.m.-9:30 a.m. Students and teachers arrive at the courthouse.

9:30 a.m.-10:00 a.m. Welcome

- ◆ Host judge welcomes students and adults.
- ◆ The presiding judge asks for self introductions from the volunteer attorneys and teachers. The judges ask the students to stand when their teacher introduces himself/herself and their school.
- ◆ When the students are settled, the judge explains the flow of the day and talks about logistics: location of restrooms, time of breaks, and lunch.

Interactive Visual Review of Case History Through Both Systems

9:45 a.m. - 10:00 a.m.

A diagram of the case history is posted on an easel in the courtroom. It illustrates the journey of the case through the Michigan State court system to the Supreme Court of the United States, then back to the Michigan State court system. The adult moderator distributes numbered cards to selected students in the various groups. These students are asked to read their cards aloud when their card number is called. (See Attachment 1) The cards correspond to various steps in the judicial history of the “Michigan v. Sitz” case. As the students read their cards, the moderator uses the diagram to point out how the case proceeded through the two court systems. This exercise provides the students with a quick review of the differences between the state and federal court systems.

Small Group Work

10:00 a.m. -11:00 a.m.

After the interactive visual display, the judge asks the volunteer attorneys to present the facts of *Michigan Department of Police v. Sitz*, the legal questions, legal terminology, and the general procedure of the hearing.

Student Attorneys and Justices Prepare - (See Attachment 2)

Adult volunteer attorneys (one for each side of the case) work with their assigned students. Students and attorneys refine arguments previously prepared in class by the students.

The host judge meets with the student justices to prepare for the court proceedings. They refine questions to be directed to the student lawyers during oral arguments.

Note: During oral argument, justices may not interrupt with questions until the student attorneys have spoken for two minutes in their opening arguments.

Working Lunch

11:00 a.m. -11:30 a.m.

During the working lunch, judges, attorneys, and teachers continue the discussion and preparation, if possible, in the courtroom.

Moot Court: *Michigan v. Sitz*

11:30 a.m. - 12:40 p.m.

Students are settled in courtrooms.

- ◆ The judge (Chief Justice) swears in student justices.
- ◆ The court timekeeper signals time limits to speakers.
- ◆ A student marshal announces Court using the Supreme Court cry.
- ◆ The Chief Justice calls the court to order, announces the case and asks petitioner to begin.
- ◆ Student attorneys for petitioner argues **(18 minutes) (3 students, 6 min. ea.)**.
- ◆ Student attorneys for respondent argues **(18 minutes)(3 students, 6 min ea)**.
- ◆ Student attorney for petitioner–rebuttal **(5 minutes)(1 student)**.
- ◆ Student attorney for respondent–rebuttal **(5 minutes)(1 student)**.
- ◆ Judge and student judges deliberate–in front of audience **(10 minutes)**.

- ◆ Judge announces decision(s)—from the bench, each student judge explains rationale to the audience (**5 minutes**).

Debriefing

12:40 p.m. - 1:45 p.m.

- ◆ The judge asks for show of hands from student audience as to agreement with decision(s).
- ◆ The judges asks lawyers to explain the real Supreme Court decision and its ramifications. (See Attachment 3)
- ◆ Discussion follows with students, judges, and attorneys. The focus of this discussion will be on the role of the federal courts in balancing liberty and safety.
- ◆ Students are dismissed.

Speaking Parts for the Interactive Visual Review of
Michigan v. Sitz

An overhead will be provided to each court by the Office of Public Affairs at the AO. On the overhead is a diagram of how the case progressed through the state court system to the Supreme Court of the United States and was remanded to the Michigan Court of Appeals. The following is a courtroom exercise to provide a review of the steps in the process before the moot court simulation starts. Students, selected at random in the courtroom, will be given cards (or sheets of paper) with the information listed below. The students will be asked to read their card aloud when the number of their card is called. The cards correspond to various steps in the judicial history of the Michigan v. Sitz case. As the students read their cards, the moderator uses the overhead to point out how this case proceeded through both the state and federal court systems.

Card 1A

This case arose when the Michigan Department of Police began using random sobriety checkpoints on state roads in an attempt to crack down on drinking and driving. Litigation was initiated by a group of licensed drivers.

Card 1B

The drivers alleged that such checkpoints violated the Fourth Amendment's prohibition against "unreasonable searches and seizures." The named party in the class action suit who sought to stop the use of sobriety checkpoints by the state police on state roads was Rick Sitz. The trial court ruled in favor of the drivers and the Michigan State Police appealed.

Card 2

On appeal, the Michigan Court of Appeals affirmed the trial court's decision. The Michigan Department of State Police appealed to the Michigan Supreme Court.

Card 3

The Michigan Supreme Court refused to hear the case. The police petitioned the U.S. Supreme Court for a writ of certiorari to review the Michigan Court of Appeal's interpretation of the Fourth Amendment.

Card 4A

The U.S. Supreme Court granted the police department's request and agreed to hear the case. Since the U.S. Supreme Court acknowledged that the sobriety checkpoints did constitute a "seizure" within the meaning of the Fourth Amendment, the only question for the Court to resolve was whether or not the "seizure" was "unreasonable." By a vote of 6-3, it ruled in favor of the Michigan State Police and concluded that the sobriety checkpoints did not violate the Fourth Amendment.

Card 4B

Writing the opinion of the Court, Chief Justice Rehnquist stated that “...the State’s interests in preventing drunken driving, the extent to which this system can reasonably be said to advance that interest, and the degree of intrusion upon the individual motorists who are briefly stopped, weighs in favor of this program.” The U.S. Supreme Court reversed the decision of the Michigan Court of Appeals and remanded the case to it for further proceedings consistent with its opinion.

Card 5

After losing in the federal courts, the licensed drivers of Michigan continued to pursue their suit in the Michigan state court system. This time, they alleged that the sobriety checkpoints violated Article I, Section 11 of the Michigan Constitution prohibition against “unreasonable searches and seizures.” On remand from the U.S. Supreme Court, the Michigan Court of Appeals recognized that while the checkpoints did not violate the Fourth Amendment to the U.S. Constitution, they did violate Michigan’s Constitution. The Michigan State Police appealed to the Michigan Supreme Court.

Card 6

The Michigan Supreme Court agreed to hear the case. When the case came before the Court, it affirmed the Michigan Court of Appeals’ decision. In its opinion, the Michigan Supreme Court stated that:

“...Constitutional liberties include the right to travel, and automobiles generally may not be searched absent probable cause. In this case, the state police erected sobriety checkpoints along state highways, at which all vehicles were required to stop. While stopped, the drivers were briefly inspected by officers for signs of intoxication, and permitted to resume their travels if no signs were detected. This warrantless, suspicionless stop of vehicles for the purposes of criminal investigation violated the Michigan Constitution.”

Moot Court Simulation

Sitz v. Michigan

Points to Consider as Foundation for Oral Arguments

The following are possible foundational points for the students and volunteer attorneys to consider when preparing their cases for the 2004 Open Doors to Federal Courts moot court simulation. These points are based upon the reasoning that Chief Justice Rehnquist relied upon in writing the opinion of the Court as well as the reasoning that Justices Brennan and Stevens relied upon in writing their respective dissenting opinions. These points are by no means exhaustive, and, since this simulation is a critical thinking exercise, students, teachers, and the volunteer attorneys are encouraged to expand upon and refine them.

Appellant: The Michigan Department of State Police

- ▶ (1) The Fourth Amendment does not prohibit all searches and seizures, just that which are “unreasonable.” While a Fourth Amendment “seizure” occurs when a vehicle is pulled over at a sobriety checkpoint, the Amendment is not violated if the actions of the police are not “unreasonable.” (Rehnquist, C.J., *Opinion of the Court*).
- ▶ (2) The state has a legitimate interest in taking measures to prevent drunk driving. According to one statistic, “drunk drivers cause an annual death toll of over 25,000 ... and in the same time span cause nearly one million personal injuries and more than five billion dollars in property damage.” (Rehnquist, C.J., *Opinion of the Court*).
- ▶ (3) The U.S. Supreme Court recognized a state’s legitimate interest in combating drunk driving in *Brown v. Texas*. In this case, the Court ruled that actions taken by police to reduce drunk driving are permitted when 1) such actions are effective, and 2) they minimize the level of intrusion on a person’s privacy. (Rehnquist, C.J., *Opinion of the Court*).
- ▶ (4) In *United States v. Martinez-Fuerte*, the Court held that the U.S. government’s interest in preventing illegal immigrants from entering the country justified law enforcement officials’ practice of conducting random suspicionless stops of vehicles near the Mexican border. (Rehnquist, C.J., *Opinion of the Court*).
- ▶ (5) The only issue in this case is the reasonableness of the sobriety checkpoints. The Court is not being asked to determine the unreasonable treatment of any persons who were detained pursuant to the being stopped at these checkpoints. (Rehnquist, C.J., *Opinion of the Court*).

- ▶ (6) Sobriety checkpoints are selected and conducted pursuant to established guidelines. The average vehicle was delayed at the checkpoint for about 25 seconds. (Rehnquist, C.J., *Opinion of the Court*).

Respondents: Rick Sitz and the Licensed Drivers of Michigan

- ▶ (1) Sobriety checkpoints are usually carried out at night. (Stevens, J., *Dissenting Opinion*).
- ▶ (2) In *Delaware v. Prouse*, the U.S. Supreme Court declared unconstitutional random stops made by Delaware highway patrol officers attempting to apprehend unlicensed and unsafe drivers. (Rehnquist, C.J., *Opinion of the Court*).
- ▶ (3) Even if a person is not driving under the influence, being forced to undergo a sobriety checkpoint can be a source of embarrassment. Sobriety checkpoints can also lead to confrontations with the police that would not have occurred but for the stop. They additionally may lead to other constitutional violations such as questioning persons for no other reason than that they appear “suspicious” to the officer conducting the stop. (Stevens, J., *Dissenting Opinion*).
- ▶ (4) Only two drivers out of the 126 vehicles that were stopped at a particular sobriety checkpoint in Michigan were arrested for driving under the influence. (Rehnquist, C.J., *Opinion of the Court*).
- ▶ (5) *United States v. Martinez-Fuerte* was the only Supreme Court case upholding random suspicionless stops of vehicles, and the Court stated that there were very specific/limited reasons for why it ruled the way that it did. (Brennan, J., *Dissenting Opinion*).
- ▶ (6) Police officers conducting sobriety checkpoints are given a wide-range of discretion in administering stops—i.e., it is up to their individual judgments, and not a set of objective factors, to determine what an “intoxicated” person looks like. (Brennan, J., *Dissenting Opinion*).

Debriefing After Moot Court Simulation

Sitz v. Michigan

U.S. Supreme Court Decision

Points to be covered by Attorney for Appellant

By a vote of 6-3, the U.S. Supreme Court ruled in favor of the Michigan State Police and concluded that the sobriety checkpoints did not violate the Fourth Amendment. Writing the opinion of the Court, Chief Justice Rehnquist was aware of the need, present in this case, to balance liberty and safety. Explaining the Court's reasoning, he stated that "...the State's interests in preventing drunken driving, the extent to which this system can reasonably be said to advance that interest, and the degree of intrusion upon the individual motorists who are briefly stopped, weighs in favor of this program." In other words, the Court concluded that the sobriety checkpoints enacted by the State of Michigan to provide for the safety of those who drive on its roads outweighed the liberty interest of drivers on Michigan roads to be free from the suspicionless stops.

What Happened Next?

Points to be covered by Attorney for Respondent

The Supreme Court's decision was not the end of the case. After the Court ruled that the sobriety checkpoints did not violate the U.S. Constitution, Rick Sitz and others pursued a case in the Michigan courts to determine if the checkpoints violated the Michigan Constitution's prohibitions against "unreasonable searches and seizures." Both the Michigan Court of Appeals and the Michigan Supreme Court concluded that they did.

While the federal courts are the final arbiters of the U.S. Constitution, the state courts are the final arbiters of their respective state constitutions. Consequently, state constitutions sometimes provide individuals with more rights than the U.S. Constitution. As the Michigan Supreme Court noted, although federal constitutional law provides a floor in state court litigation and "...state judges must not adopt state constitutional rules which fall below this floor; courts may, however, appeal to the relevant state constitution to establish a higher 'ceiling' of rights for individuals."